

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

SPIRIT MONKEY, LLC.,	§	
Plaintiff,	§	Case. No. 5:17-cv-48-OLG
v.	§	
	§	
	§	
IMAGESTUFF.COM, INC.	§	
D/B/A SCHOOL LIFE,	§	DEMAND FOR JURY TRIAL
Defendant.	§	

SCHEDULING/DOCKET CONTROL ORDER

The parties recommend that the following deadlines be entered in the scheduling order to control the course of this case:

Pursuant to 28 U.S.C. §636(c)(1), all full-time Magistrate Judges are authorized and empowered to try any civil case, jury or non-jury, with the consent of all parties to the lawsuit. If you wish to consent to trial before a Magistrate Judge, you may indicate your consent on the attached form. Your consent to trial by a Magistrate Judge, must be voluntary, and you are free to withhold consent without suffering any adverse consequences. If all parties consent to trial of this case by a Magistrate Judge, the Court will enter an order referring the case to a Magistrate Judge for trial and for entry of judgment. If the case has already been referred to a magistrate Judge for pretrial matters and the parties consent to Magistrate Judge trial, the trial will be before the Magistrate Judge already assigned to the case.

At the request of the Bar, the San Antonio District Judges have implemented a procedure whereby a United States Magistrate Judge is assigned to each civil case at the time it is filed. The assignments are made randomly and are evenly divided among the three San Antonio Magistrate Judges. If a pretrial matter is referred by the District Judge, it will be handled by the United States Magistrate Judge to whom the case is assigned. Similarly, if the parties consent to Magistrate Judge jurisdiction, the case will be placed on the docket of the assigned Magistrate Judge for all future proceedings, including entry of final judgment. 28 U.S.C. Section 636(c). The United States Magistrate Judge assigned to this case is Henry J. Bemporad.

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed by **October 20, 2017**. REGARDLESS OF WHETHER THE PARTIES CONCLUDE THAT ADR IS APPROPRIATE OR NOT, THE PARTIES SHALL INCLUDE THE NAME, ADDRESS AND TELEPHONE NUMBER OF A COURT- APPROVED MEDIATOR OR A MEDIATOR AGREED UPON BY BOTH PARTIES IN THEIR ADR REPORT. A list of court-approved neutrals and alternative dispute resolution summary form may be obtained at <http://www.txwd.uscourts.gov/forms/mediator.asp>. If you do not have access to the internet, you may call the United States District Clerk's office at (210) 472-6550 to obtain a copy.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by **November 17, 2017** and each opposing party shall respond, in

writing, by **December 1, 2017**.

3. The parties shall file all motions to amend or supplement pleadings or to join additional parties by **October 6, 2017**.
4. All parties asserting claims for relief shall FILE their designation of testifying experts and SERVE on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by **February 23, 2018**. Parties resisting claims for relief shall FILE their designation of testifying experts and SERVE on all parties, but not file, the materials required by FED. R. CIV. P. 26(a)(2)(B) by **March 23, 2018**. All designations of rebuttal experts shall be FILED, and the materials required by Fed. R. Civ. P. 26(a)(2)(B) for such rebuttal experts, to the extent not already served, shall be SERVED, within 30 days of receipt of the report of the opposing expert.
5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within (30) days of receipt of the written report of the expert's proposed testimony, or within (30) days of the expert's deposition, if a deposition is taken, whichever is later.
6. The parties shall complete all discovery on or before **April 27, 2018**. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.
7. The parties shall mediate this case on or before **January 26, 2018**, unless the parties seek an order from the Court excusing them from mediation.
8. All dispositive motions shall be filed no later than **May 25, 2018**. Dispositive motions as defined in Local Rule CV-7(h) and responses to dispositive motions shall be limited to 20 pages in length.
9. This case is set for **jury selection and trial** on _____, 2018 at 9:30 a.m. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of trial.

Dated: June 22, 2017

/s/ Charles W. Hanor

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CERTIFICATE OF SERVICE

I certify that the foregoing was served with the Clerk of Court and on Plaintiff's counsel on June 22, 2017 by email as well as Electronic Mail (ECF-Pacer) using the ECF system, which will send notification of such filing to the following:

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